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FACSIMILE TRANSMITTAL SHEET

DATE: April 29, 2004

TO: Examiner Channing Mahatan
             Art Unit 1631

FAX NO: 703-872-9306

FROM: Vincent M. DeLuca

RE: Serial No. 09/807,943
             Our Ref: 2977-123

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Serial No.09/807,943
April 29, 2004
Page 1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE	Application Number	09/807,943
	Filing Date	April 20, 2001
	First Named Inventor	Yan HONG
EXPEDITED EXAMINING PROCEDURE UNDER 37 CFR § 1.116	Group Art Unit	1631
	Examiner Name	Channing Mahatan
	Attorney Docket Number	2977-123
Title of the Invention: DNA MARKER PROFILE DATA ANALYSIS		

RESPONSE AFTER FINAL UNDER 37 CFR §1.116

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the final Office action mailed January 29, 2004, the following remarks are respectfully submitted.

REMARKS

Claims 1-17 remain pending in this application. Reconsideration of this application is requested.

35 U.S.C. § 101 Rejection

The Examiner again is requested to reconsider the continued rejection of claim 17 as allegedly being directed to non-statutory subject matter. Claim 17 is not directed to stored "non-functional descriptive material" that is simply read or output by a computer. Claim 17 is directed to an article of manufacture that contains specific encoded data representing a DNA fingerprint, that when coupled to a computer and read by the computer, causes the computer to <u>convert</u> the sequence of classified peak intensity symbols into a unique DNA fingerprint. Thus, claim 17 does in fact recite a functional relationship between the data and the computer in that the data causes the computer to execute a conversion or transformation process that transforms the encoded data from